



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WILLS—VALIDITY OF PROVISION INTERFERING WITH MARRIAGE RELATION.—A will recited that the testator understood that M, on account of the extreme cruelty of her husband, had been compelled to leave her home, and provided that if “she shall be compelled to live apart from her husband and shall have to support herself,” he, the testator, bequeathed her \$2,000 to be paid to her “as soon as my executor shall be convinced that it is impossible for the said M to live with her husband.” At the time of making the will the testator knew that M was living apart from her husband, and had begun divorce proceedings. *Held*, that the condition in the bequest to M was reasonable, and was not void as against public policy as tending to induce M to live apart from her husband. *Dusbiber v. Melville*, (Mich. 1914) 146 N. W. 208.

Where a condition precedent is annexed to a gift of personal property which prohibits the marriage relationship absolutely or unreasonably, the condition is void, and the legacy passes regardless of the condition. *Waters v. Tazewell*, 9 Md. 291; *Maddox v. Maddox*, 11 Grat. 804; *Brown v. Peck*, 1 Eden 140; *Hawke v. Enyart*, 30 Nebr. 149. On the other hand, conditions to testamentary or other gifts in partial and reasonable restraint of marriage, are valid and operative. *Phillips v. Ferguson*, 85 Va. 509; *Ransdell v. Boston*, 172 Ill. 439; *Born v. Horstman*, 80 Cal. 452; *Collier v. Slaughter*, 20 Ala. 263; *Graydon v. Graydon*, 23 N. J. Eq. 229. The court in the instant case takes cognizance of the above principles and then proceeds to decide the question as to whether or not the condition imposed upon the legacy to M is a reasonable one. The language of the decision intimates that if the legatee herself had been appointed to judge whether or not she could live with her husband, the decision would probably have been different. But since that determination lies with the executor and not with the legatee, the court concludes that the condition is reasonable. Without saying that the decision is erroneous, might it not be said that the mere substitution of the discretion of the executor for that of the legatee does not remove the condition from the unreasonable class?